

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of STONIE DAILYNN BROWN and
KARLEE YVETTE BROWN, Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

CYNTHIA MONIQUE STEWART,

Respondent-Appellant,

and

KARL BROWN,

Respondent.

In the Matter of STONIE DAILYNN BROWN and
KARLEE YVETTE BROWN, Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

KARL BROWN,

Respondent-Appellant,

and

CYNTHIA MONIQUE STEWART,

Respondent.

UNPUBLISHED
June 24, 2003

No. 242526
Wayne Circuit Court
Family Division
LC No. 95-323850

No. 242621
Wayne Circuit Court
Family Division
LC No. 95-323850

Before: Smolenski, P.J., and Cooper and Fort Hood, JJ.

PER CURIAM.

In these consolidated appeals, respondents appeal as of right from the trial court's order terminating their parental rights to the minor children. We affirm, but remand in order for the trial court to amend the termination order to include a statement of the specific statutory grounds for termination.

Both respondents challenge the trial court's finding of jurisdiction in this matter. However, the trial court did not clearly err when it found jurisdiction established by a preponderance of the evidence. *In re Ramsey*, 229 Mich App 310, 314; 581 NW2d 291 (1998). The evidence that respondent mother's parental rights had been terminated to her two older children and that she had done virtually nothing to address the problems that led to the prior termination was clearly sufficient to establish jurisdiction under MCL 712A.2(b). *In re Powers*, 208 Mich App 582, 588-589, 528 NW2d 799 (1995). Because jurisdiction attaches to the children and not to the respondent parents, no finding of jurisdiction particularly related to the conduct of respondent father was required. *In re CR*, 250 Mich App 185, 205; 646 NW2d 506 (2002).

Respondent mother's claim that the trial court erroneously placed the burden of proof on her is without merit. The comments of the trial court that respondent mother relies on to support her argument merely reflect the statutory standard whereby the prior termination of parental rights constitutes sufficient ground for termination of parental rights. MCL 712A.19b(3)(l). It remained the petitioner's burden to prove that this or another statutory ground was shown by clear and convincing evidence. *In re Trejo*, 462 Mich 341, 351; 612 NW2d 407 (2000); *In re Sours*, 459 Mich 624, 634; 593 NW2d 520 (1999). Neither the trial court's comments, nor the trial court record reflect that the burden was improperly placed on respondent mother.

Respondent father claims, without citation to any authority, that the trial court erred by terminating his parental rights without giving him the opportunity to plan for his children. Because respondent cites no authority for this argument, it is waived on appeal. *In re Powers*, *supra* at 588. In any event, we note that a service plan need not be directed at reunification. MCL 712A.18f(3)(d). Because the instant case proceeded under an original petition for termination of parental rights, a treatment plan for respondent father was not required. See MCL 712A.19b(4); MCR 5.974(D).

Respondent father also challenges the sufficiency of the evidence to terminate his parental rights. We find that the trial court did not clearly err in finding that at least one of the statutory grounds stated in the petition to terminate parental rights was established with respect to respondent father by clear and convincing evidence. MCR 5.974(I); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). The evidence showed that respondent father was incarcerated at the time of trial. While he was scheduled for release shortly after the termination proceedings, his long standing problems with drug abuse and assaultive behavior, and his past failure to maintain a stable source of income and provide for the minor children, or for his other minor children who are not subjects of this petition, indicate little likelihood that respondent would be able to provide proper care and custody for the minor children within a reasonable time,

considering their ages. MCL 712A.19b(3)(g). Further, the evidence indicated that respondent father had seen Karlee Brown only in the first months of her life and he had never seen or parented Stonie Brown. Therefore, the record failed to show that termination of respondent father's parental rights was clearly not in the children's best interests. MCL 712A.19b(5); *In re Trejo*, *supra* at 356-357.

Finally, both respondents note that the trial court did not state the statutory grounds for termination in either its bench opinion or in the order terminating parental rights. Pursuant to MCR 5.974(G)(3), "[a]n order terminating parental rights under the juvenile code may not be entered unless the court makes findings of facts, states its conclusions of law, and includes the statutory basis for the order." The statement of statutory grounds, either in a written order or in an oral opinion, is mandatory. The trial court stated its reasons on the record for terminating respondents' parental rights, but failed to state the specific statutory ground(s).

Therefore, we affirm the termination of respondents' parental rights, but remand to the trial court for the limited purpose of amending the termination order to include a statement of the statutory grounds for termination of both respondents' parental rights. We retain jurisdiction.

/s/ Michael R. Smolenski

/s/ Jessica R. Cooper

/s/ Karen M. Fort Hood